

ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

Shaded Area For Office Use Only

Case No. 073

Date Filed 12/10/97

Hearing Date _____

Pre-Conf. _____

Receipt _____

Fee \$ 2170

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

1022 S. Fountain Green Road LLC

Petitioner

SEE ATTACHED

Name Maryland Country Club Phone Number _____

Address _____
Street Number Street State Zip Code

Property Owner _____ Phone Number _____

Address _____
Street Number Street State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street State Zip Code

Attorney/Representative Frank F. Hertsch/John J. Gessner Phone Number (410) 893-7500

Address 11 South Main St., P.O. Box 1776 Bel Air MD 21014
Street Number Street State Zip Code

Hearing: 2/2/98

Land Description

Address and Location of Property (with nearest intersecting road) 1022 S. Fountain Green Road

SEE ATTACHED

Subdivision _____ Lot Number _____ Acreage/Lot Size _____ Election District _____

Existing Zoning _____ Proposed Zoning _____ Acreage to be Rezoned 167.89

Tax Map No. _____ Grid No. _____ Parcel _____ Deed Reference _____

Critical Area Designation _____ Land Use Plan Designation Low Intensity

Present Use and ALL improvements: Farm, Country Club

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) R - Single Family Residential

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

N/A If yes, describe: _____

Estimated Time Requested to Present Case: 1 hour

Required Information To Be Attached

(Submit three (3) copies of each):

- allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.
- (a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.
 - (b) A statement of the grounds for the application including:
 - (1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.
 - (2) A statement as to whether there is an
 - (c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.
 - (d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:
 - (1) Location of site.
 - (2) Proposed nature and distribution of land uses, not including engineering drawings.
 - (3) Neighborhood (as defined by the Applicant).

6 : 12/10/97
2 : 7064.DOC
hf2

APPLICATION OF 1022 SOUTH FOUNTAIN GREEN ROAD LLC

Property Owner 1022 South Fountain Green Road LLC Phone Number Call Attorney

Address: 336 South Main Street Bel Air, Maryland 21014
Street Number/Street State Zip Code

Property Owner The Maryland Country Club, Inc. Phone Number Call Attorney

Address: P. O. Box 652 Bel Air Maryland 21014
Street Number/Street State Zip Code

Subdivision ___ Lot Number ___ Acreage/Lot Size Election District 3
Map 50 Parcel 57 162.6 acres
Map 49 Parcel 715 1.92 acres
Map 49 Parcel 329 169.7 acres

Existing Zoning AG Proposed Zoning R1 Acreage to be Rezoned
Map 50 Parcel 57 162.60
Map 49 Parcel 715 0.24
Map 49 Parcel 329 4.36

Tax Map No. 49, 50 Grid 2A

Tax Map 50 Parcel 57 Deed Reference 2412/419
Tax Map 49 Parcel 329 Deed Reference 1 198/846
Tax Map 49 Parcel 715 Deed Reference 588/372; 566/62

3 : 12/10/97
2 : 7065.DOC
hf2

ATTACHMENT TO
APPLICATION OF 1022 SOUTH FOUNTAIN GREEN ROAD, LLC

1022 South Fountain Green Road, LLC

By:

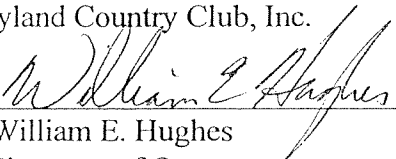
William P. Maloney 12/10/97 Deborah K. Metz 12/10/97
William P. Maloney, Member Date Witness Date
Signature of Petitioner/Owner /Contract Purchaser

3 : 12/10/97
2 : 7065.DOC
hf2

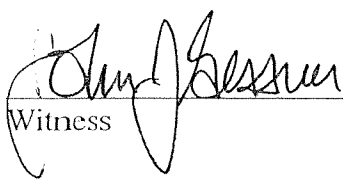
ATTACHMENT TO
APPLICATION OF 1022 SOUTH FOUNTAIN GREEN ROAD, LLC

Maryland Country Club, Inc.

By:


William E. Hughes
Signature of Owner

12-10-97
Date


Witness

12/10/97
Date

ATTACHMENT A
FOR ZONING RECLASSIFICATION APPLICATION
1022 SOUTH FOUNTAIN GREEN ROAD LLC, PETITIONER

The Zoning Reclassification Application, in Part IV, requests the following information. Petitioner's submission is as follows :

"(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation."

Petitioner: See attachment A-1, List of Adjoining Property Owners.

"(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation."

Petitioner: Petitioner contends that a mistake in the legal sense was made when the subject property was zoned AG, Agricultural during the last Comprehensive Rezoning in 1989. The County Council erroneously assumed that the subject property should be zoned AG. As a result of development in the area, changes in the Master Plan, Master Water and Sewer Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the property's AG zoning classification is no longer appropriate. The subject property should be rezoned R1.

"(2) A statement as to whether there is an allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change."

Petitioner: Petitioner makes such an allegation. As a result of development in the area, changes in the Master Plan, Master Water and Sewer Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the neighborhood has substantially changed.

"(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion."

Petitioner: The proposed reclassification is in conformance with the Master Plan. The Master Plan classifies the subject property as "Low Intensity". R1 zoning is consistent with that classification.

"(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

- (1) Location of site
- (2) Proposed nature and distribution of land uses, not including engineering drawings
- (3) Neighborhood (as defined by the Applicant).
- (4) All surrounding zoning.
- (5) Proposed public or private capital improvements.

5 : 12/10/97
2 : 7029.DOC
201459

Petitioner: See attachment A-2, entitled "Concept Plan to Accompany Rezoning Petition Land of Maryland Country Club and 1022 South Fountain Green Road, LLC" dated December 1997.

"(e) Previous individual rezonings and recommendations since the effective date of the Comprehensive Rezoning within the neighborhood of the petitioned area, their case numbers, dates, and decisions."

Petitioner: N/A

"(f) Environmental features map indicating woods, fields, streams, flood plains, non-tidal wetlands, etc."

Petitioner: See Attachment A-3, entitled "Environmental Features Map Land of Maryland Country Club and 1022 South Fountain Green Road, LLC" dated December 1997.

"(g) Property deed, and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property."

Petitioner: See Attachments A-4 (Site Plan); A-5 (Deed) and A-6 (Survey Plat)

"(h) Private restrictions or covenants, if any, applicable to subject parcel."

Petitioner: None

"(i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted."

5 : 12/10/97
2 : 7029.DOC
201459

Petitioner: None.

“(j) Availability of public water and sewer.

Petitioner: Public water and sewer is available to the subject property.

4 : 12/9/97
2 : 7030.DOC
hf2

ATTACHMENT B TO
APPLICATION OF 1022 SOUTH FOUNTAIN GREEN ROAD, LLC.
LIST OF ALL PERSONS WITH LEGAL OR EQUITABLE INTERESTS IN THE
SUBJECT PROPERTY

Owner(s): 1022 South Fountain Green Road, LLC
Maryland Country Club, Inc.

Contract Purchaser(s): 1022 South Fountain Green Road, LLC

Tenant(s): C. DeWitt Tharpe, Jr.
3019 Level Road
Churchville, Maryland 21028

Mortgage Holder(s): Forest Hill State Bank
2334 Rockspring Road
Forest Hill, MD 21050

Deeds of Trust: Trustee(s): N/A

Beneficiaries: N/A

Name of Partners, if partnership: N/A

Name of Shareholders, if corporation: See attached list as to Maryland Country Club, Inc.

Name of Members, if Limited Liability Company: 1022 South Fountain Green Road, LLC

William P. Maloney
336 South Main Street
Bel Air, Maryland 21014

Joseph J. Strehlen
336 South Main Street
Bel Air, Maryland 21014